

PARKS AND CULTURAL AFFAIRS COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE

Minutes

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A regular meeting of the Parks and Cultural Affairs of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Wednesday, **April 7, 2004**.

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MEMBERS PRESENT:

Legislator Jay Schneiderman - Chairperson

Legislator Michael Caracciolo - Vice-Chair

Legislator Cameron Alden

Legislator Angie Carpenter

Legislator Ricardo Montano

Legislator O'Leary

Legislator Cooper

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MEMBER NOT PRESENT:

Legislator Vilorio-Fisher

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ALSO IN ATTENDANCE:

Mea Knapp - Counsel to the Legislature

Ronald Foley - Chief Deputy Commissioner of Parks

Tracey Scala - Deputy Commissioner of Parks

Roger Podd - County Executive's Office

Sean Clancy - Budget Review Office

Charlie Bender - Aide to P.O. Caracappa

Elizabeth Harrington - County Attorney's Office

Frank Tassone - Aide to Legislator Crecca

Tammy Merrill

Joe Merrill

Skip Armstrong

George Fernandez

Patricia Snyder

All other interested parties

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MINUTES TAKEN BY:

Donna Catalano - Court Stenographer

(* THE MEETING WAS CALLED TO ORDER AT 11:40 A.M. *)

CHAIRMAN SCHNEIDERMAN:

Okay. Hello, everybody. I'd like to get the meeting started. If you all will rise and join us for the Pledge of Allegiance led by Mike Caracciolo, Legislator Caracciolo.

SALUTATION

CHAIRMAN SCHNEIDERMAN:

Okay. We do have one public hearing this morning. First, I'll ask Sandy if it was properly noticed.

MS. SULLIVAN:

Yes. The affidavit of publication is in proper order.

CHAIRMAN SCHNEIDERMAN:

We'll do the public hearing first. This is on **Introductory Resolution Number 1336-2004, a Charter Law to amend a one year residency requirement for Parks Commissioner appointment.**

Maybe I can just briefly introduce this, then we'll bring up any speakers. This actually -- there are two resolutions before the Legislature now relating to a provision in the County Charter that requires a residency -- a one year residency requirement for the Parks Commissioner. There has been some questions as to why there is a residency requirement when it doesn't seem to

appear in other appointments. There was no Legislative intent in the original charter that anyone could find. This legislation clarifies how to interpret that one year residency requirement such that it would be one year within the past ten, would ensure a familiarity with the individual with the County and our unique geography. That would prevent a kind of situation where we currently have where someone could spend their entire life in Suffolk -- Suffolk County except the last year and would not qualify for the appointment. So this seeks to address it by giving some guidance as to how to interpret the one year residency requirement. Is there -- there anyone who like to speak on this public hearing?

LEG. MONTANO:

Mr. Speaker -- I mean, Mr. Chairman. I'm just not clear on what you mean that it would allow the interpretation or clarify the one year residency. I thought the one year residency requirement was specific in the existing statute.

CHAIRMAN SCHNEIDERMAN:

It is. The language where it says one year prior could be interpreted as to any one year prior to the appointment or one year immediately prior. We have received from our Counsel the interpretation that it means one year immediately prior, which meant that narrow construction would lead to the situation where I just said, where somebody could have great familiarity with the County, but have not resided here within the past year and would not qualify.

LEG. MONTANO:

I don't agree with that interpretation. As a matter of fact, I understood that we got an opinion from our Counsel that the one year requirement was a one year immediately preceding. In all of the case law dealing with analogous subject matters like Elections Law deal with these issues, and they're specifically clear that the one year immediately prior to means you had to have lived in the County one year before your appointment.

CHAIRMAN SCHNEIDERMAN:

Right. And the language does not say immediately prior to, it says one year prior to. The word immediately is not in the language, nonetheless, I'm not disagreeing with the interpretation that it should be construed as one year immediately prior to. But since there's no Legislative intent and we can assume that this provision was there to ensure that the County Parks Commissioner had some familiarity with the unique topography or geology or characteristics of Suffolk County, this is an alternative to completely eliminating a residency requirement.

LEG. MONTANO:

I don't know that we can assume that, because there was no Legislative intent. But let me ask you this, Mr. Chairman, are you withdrawing as a sponsor of the original bill that you and I sponsored together?

CHAIRMAN SCHNEIDERMAN:

Yes, I have withdrawn my sponsorship from that.

LEG. MONTANO:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Is there anyone who wishes to be heard on this?

LEG. O'LEARY:

Mr. Chair. Just a question on clarification, please.

CHAIRMAN SCHNEIDERMAN:

Okay.

LEG. O'LEARY:

The amendment requires then that the individual for consideration would have to have lived in the County for one year in the ten previous years?

CHAIRMAN SCHNEIDERMAN:

That's correct.

LEG. O'LEARY:

Not the immediate preceding year.

CHAIRMAN SCHNEIDERMAN:

During any one year within the ten years immediately preceding the current.

LEG. O'LEARY:

So if a person resided here ten years ago for a year, moved out of the area and was up for appointment, they would be considered as being residents of the County?

CHAIRMAN SCHNEIDERMAN:

They would meet this residency requirement.

LEG. O'LEARY:

Okay. Thank you.

CHAIRMAN SCHNEIDERMAN:

Okay. Is there a motion to close? I'll make a motion to close the public hearing.

LEG. CARACCILO:

I'll second.

CHAIRMAN SCHNEIDERMAN:

All in favor? Okay. Public hearing is **CLOSED. (VOTE:7-0-0-1) (Not present; Legis. Vilorio-Fisher)**

Okay. Let's move onto public portion. Actually, before we do public portion, Mike, would you like me to hold off on public portion until after we do the resolutions?

LEG. CARACCILO:

How many cards?

CHAIRMAN SCHNEIDERMAN:

Five.

LEG. CARACCILO:

Go ahead.

CHAIRMAN SCHNEIDERMAN:

Okay. We'll move on to public portion. Our first speaker, there will be a three minute limit on each speaker, Tammy Merrill, representing Island Motorcross. Step over to the podium.

MS. MERRILL:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Start off by identifying yourself for the record.

MS. MERRILL:

My name is Tammy Merrill from Island Motorcross Park, New York, Long Island Cycle Park.

CHAIRMAN SCHNEIDERMAN:

Thank you.

MS. MERRILL:

Basically, I didn't know I would be speaking yet. I was going to hear what you had to say on the ATV task force. And, you know, what it is is my husband and myself run an organization, and I do have a hand out if you would like. I don't know, is that okay?

LEG. CARACCILO:

Before you speak, Ms. Merrill, let me point out that I met the Merrills about, I guess, a month or six weeks ago. And at that time, we engaged in conversation about ATVs, and they mentioned that to me they own an ATV facility in Suffolk County, which I was not aware of. Based on that conversation and the pending legislation at that time, Legislator Crecca's resolution, I had requested that they come down and address the committee. Unfortunately they weren't able to attend last month. That's what brings them here today. So I think that gives us some perspective of who they are why they are here. And we'll wait for your presentation, then I have some questions.

MS. MERRILL:

Okay. Thank you. Basically, I just drew up a quick brief letter, because I know it can be drawn out. I mean, my husband and I have been running the motorcross on the Island since 1989. We had tracks that we leased in the past; Bridgehampton, Westhampton, Suffolk Meadows. Up until about 1994, we knew we were losing our lease at Bridgehampton Race Track. We worked on trying to get town, county and state land. Basically, in the letter it does say briefly, but it was a long process. I mean, we searched all over, we had numerous meetings with town officials, Parks Department, we searched the Island. We were working with a real estate --

Suffolk County Real Estate, Mr. Fishbein, for a period of time trying to find a piece of land back then, that's about ten years ago. Basically it came down to the locations that we were looking at they were environmentally sensitive or, you know, for some reason or another they weren't good. Also liability was a big issue, which we understand completely.

Basically it came down we purchased our own land, which is a big burden on us as well. I mean, we laid out all the expenses. It took almost four years to get the permits for our facility. We were back and forth from planning to building to, you know, back and forth to the engineer, you know, all the departments. And you know the procedure. We went through the whole process. We're in our fourth year right now running our facility, and I know there have been other organizations that have come and gone throughout that time, but no one has been around as long as we have. Before we started Island Motorcross 1995, we used to help run another organization, Long Island Sports Committee, which has been around since the early '70s. That organization no longer runs anything because of the burden that it has borne on a lot of people.

So basically, what I'm just -- you know, we're here to address ourselves, to let you know we do exist. And we want to find out more what's going on with the task force to find an ATVs facility suitable for Suffolk County, because we already have one. And I know that there has been this small organization that has come up a couple of years ago that wants the County to supply a place for them, but we're very concerned if it's going to conflict with us. We're very concerned who is going to be running it, because we're the only experienced organization on the Island. We're the only one that has the experience and has -- has a facility already, which is, you know, it's kind of you know ironic that, you know, they're looking for something, and these people that are looking for it, know we exist, but do not come to our facility.

CHAIRMAN SCHNEIDERMAN:

Thank you. Legislator Caracciolo.

LEG. ALDEN:

Point of inquiry. Is this public portion the same as at the General Sessions? Because we are barred from asking questions until the whole public has spoken. So I'd just like a point of clarification on that.

CHAIRMAN SCHNEIDERMAN:

It's the same. I'm not sure what these questions are, are they geared toward committee or

toward the speaker. But we are not asking questions of the speaker. If you're providing information, that's fine.

LEG. O'LEARY:

Point of order, Mr. Chair. Point of order. This matter was discussed yesterday in one of the committees, and I was under the same impression that we could not ask questions of the speakers for the public portion, and I was told otherwise.

LEG. CARACCILOLO:

That's correct.

LEG. O'LEARY:

It's only at the General meetings.

LEG. CARACCILOLO:

Mr. Chair, if I may.

CHAIRMAN SCHNEIDERMAN:

Yes.

LEG. CARACCILOLO:

The only rule change this year that restricted conversation and dialog between the members of the Legislature and the public was during our Legislative meetings. That's the only rule change. It does not include the committees. So I'd like to -- Ms. Merrill, could you tell us where your facility is located and how large it is?

MS. MERRILL:

We're located off Horseblock Road in Yaphank. We have a ten acre facility.

LEG. CARACCILOLO:

And what are your hours and periods of -- time periods of operation, do you operate year round?

MS. MERRILL:

No. We are -- A typical motorcross season is from March to the end of November, depending on the weather, of course. Also, our schedule changes. Right now, we're only open Thursday, Friday, Saturday and Sunday. We do open on Tuesdays as well during the summertime when children are off from school.

LEG. CARACCILO:

Do you have any information that you could share with us as to the population there is of ATVs vehicles in Suffolk County?

MS. MERRILL:

It varies, because there's a wide extreme in the sport of motorcross and ATVs; you have the little beginners that might come and practice once a month, and you have the pro-riders who are nationwide. I mean, we sponsor a number of them. They travel all over the country. Basically our population -- I mean, it varies from day-to-day, some days we have maybe eight to ten riders, and other days we might have 100 riders. But what we do is we break them up into sessions of ability and bike size so that they are taking turns going out on the closed in course.

LEG. CARACCILO:

Those provisions that you have just described, are they mandated to you by your insurance carrier, or is that just the way you and your husband feel it's safe to operate a ten acre facility?

MS. MERRILL:

Basically both. There are -- there are laws, you know, AMA, American Motorcycle Association, laws that we abide by for running our race events. Practice time, basically because my husband is a pro-rider, our son -- I mean, knowing by experience of, you know, common sense of going through the sport all the years, we broke it up for safety, how we feel is safe knowing how it is to be out there.

LEG. CARACCILO:

Is there any umbrella group or organization that you are affiliated with that prescribes certain guidelines for safe operation of an ATV Park?

MS. MERRILL:

Yes. And we attend risk management workshops every year through the American Motorcycle Association, which is a national organization. And we handle District 34, Long Island. We're the only organization that runs District 34 Long Island events.

LEG. CARACCILOLO:

You in your statement indicated that you have cause for concern if an ATV facility, a public ATVs facility, was opened up in Suffolk County. Could you elaborate on that?

MS. MERRILL:

Yes. That's why we're here. I mean, basically, we're not against anything that has to do with the sport. I mean, geez, ten or 15 years ago, we were working on the same thing, but we were told no. So that's why we invested our own money. I mean, we put our heart, our soul, our life savings into this place. And basically what we want to find out is what is the County going to provide? Is it going to put us in a position where we are going to go bankrupt? I mean, because right now, if let's say another facility opens up and half the riders go there and half come to our facility, if the County is bearing the burden of a mortgage and insurance and the taxes and everything else on the facility and we still have to pay our's, you cut that in half, we wouldn't be able to afford our facility.

LEG. CARACCILOLO:

The Metropolitan area, or let's say New York State, in New York State, how many privately run and public ATV parks are there?

MS. MERRILL:

Legally?

LEG. CARACCILOLO:

Legally.

MS. MERRILL:

On Long Island, we're the only one.

LEG. CARACCILOLO:

How about in the state?

MS. MERRILL:

We're the only legal AMA sanctioned organization on Long Island, Nassau and Suffolk County. The closest ATV facility other than our's that's legal, I should say, is I would say Englishtown, New Jersey.

LEG. CARACCILOLO:

And how large a facility is that?

MS. MERRILL:

Well, you've got to consider Englishtown, their motorcross track is actually taking up probably about six or seven acres. They also have a car track, they have a go-cart track, they have a lot of other things going on there.

LEG. CARACCILOLO:

So it would be similar to what Bridgehampton was formally in terms of a race track, an auto racetrack.

MS. MERRILL:

Basically, yes.

LEG. CARACCILOLO:

And when you operated out of Bridgehampton Racetrack, how many acres did you lease or own at that time?

MS. MERRILL:

At that time, we were just leasing. And we just leased the motorcross portion of it. And that was about, I would say, about the same size as our facility now.

LEG. CARACCILOLO:

In terms of, I guess, the profit margin that you need to operate, is there -- is there a point given the size that you operate that you could expand to make it more profitable? Or what concerns do you have about expanding the size of your facility?

MS. MERRILL:

Well, I don't really understand the question.

LEG. CARACCILO:

You are a ten acre facility. Given the demand -- I mean, ATVs are not legal in Suffolk County unless you ride them on private property. A lot of people don't know that. A lot of parents buy children five, \$6000 ATVs machines, and they run them up and down the streets and they harass and they destroy property and sometimes injury innocent bystanders. So there's a tremendous demand. And what the essence of the resolution that was approved by the Legislature would do is create a task force to try to identify and look into, A, the feasibility of a publically run ATV park in Suffolk County, and, two, decides where that facility could possibly be located on current land owned by the County or on land to be acquired by the County. Now, share with us some of the zoning issues that you had to deal with the Town of Brookhaven in opening or purchasing this park -- property as a ten acre ATV park. You said it took you four years. What were some of the major issues that delayed your permit to own and operate an ATV park?

MS. MERRILL:

Basically, we had to go through, I guess, the same procedure that any other business would have to go through. You had to, you know, submit plans, those plans had to get reviewed, there were environmental impact studies done on the property to make sure the land wasn't environmentally sensitive to clear the land. You know, we had to go back and forth negotiating how much of a buffer we had to leave. I mean, it was a long, drawn out process.

LEG. CARACCILO:

What were the buffer requirements in Brookhaven Town?

MS. MERRILL:

They vary. I mean, it depends on whatever business you are doing.

LEG. CARACCILO:

I mean for your business.

MS. MERRILL:

Oh, for our's. Well, we have a 75 foot frontal buffer and 50 foot buffer around the outer part of it.

LEG. CARACCILO:

Any there any residents in close proximity to your property?

MS. MERRILL:

No, there's not. Our closest resident would be woods. I mean, we're right near Grucci Fireworks, we're right near the Brookhaven Town landfill. There's nothing within, like, a mile of us.

LEG. CARACCILO:

You referenced in your earlier comment, illegal facilities. You emphasized, I should say, that your's is a legal facility. Did you -- were you implying that there are illegal facilities in Suffolk County?

MS. MERRILL:

You know, there are.

LEG. CARACCILO:

There are. I know there are, because you and I had that conversation.

MS. MERRILL:

You know, my husband and myself, we did want to refrain from saying anything negative about anybody, but it seems kind of, I should say, unfair to be, you know, brief about it, that some people are allowed to collect money and charge fees for riding on their private property or leased property when we had to go through four years to get permits to do what we're doing.

LEG. CARACCILO:

Well, there are a number of issues that that brings up, one of which is taxation and not paying taxes.

MS. MERRILL:

Yes, definitely. And the insurance alone, I mean -- I mean, our insurance covers, like, if two riders are out on a track, and one rider crashes into another rider and a lawsuit is to occur, our insurance covers both riders. You know, that's what a membership fee is for, to protect your

members.

LEG. CARACCILO:

Could you share with us what your membership fees are?

MS. MERRILL:

Our membership fee is \$150 for the season, then you pay \$30 each day you come to ride, but if you come more than twice a week, the rest of the week is free, that's called a Frequent Rider Program. We also have a family membership, which is \$200 for the season, and then for the family it's 30 for the first rider, 20 for the second, ten for anyone after that, and they get the Frequent Rider Program as well. These are fees that we came up with to be able to afford our facility. Also, we have different circumstances, you know, that arise and we sponsor certain riders as well.

LEG. CARACCILO:

Again, given the limit that you -- the self-imposed limit, how many riders, you know, through membership or otherwise have the experience of riding their off-road vehicles at your facility annually?

MS. MERRILL:

Annually, I would say we have about a thousand riders. I mean, they come and go. I mean, they're not all there at the same time.

LEG. CARACCILO:

Do you keep any records as to where these individuals reside; are they local residents, are they from out of the County?

MS. MERRILL:

Most of them are Suffolk County residents. We do riders that come from out of the area. Basically, yeah, we have record of every single rider that comes on the facility, because every rider has to fill out a membership form and an acknowledge of risk and agreement not to sue form, which has all their information on it. Riders under 18, their parents have to have forms notarized. We have to have a copy of their birth certificate showing that they are the parents of the riders. We're very careful and, you know, this is what we've learned from going through

risk management workshops.

LEG. CARACCILO:

So there's a waiver that's signed by each individual that uses your facility?

MS. MERRILL:

Oh, definitely.

LEG. CARACCILO:

Question for Counsel. She's not here. I'll save that question for when she comes back. Thank you very much, Mr. Chair.

CHAIRMAN SCHNEIDERMAN:

Thank you, Legislator. Legislator Cooper had questions.

LEG. CARACCILO:

Counsel, we just heard in response to a question about liability that this ten acre facility -- did you hear the question and answer? Okay. My question would be in a County-run facility, could the County also institute a policy of having an individual signing waiver releasing the County -- indemnifying basically users from suing the County and what kind of legal standing would that have?

MS. KNAPP:

Yes, I know of no state law that would prohibit the County from asking for a waiver of liability. As I'm sure the speaker has discovered, although it sounds as though they are exercising the maximum degree of caution that you can, it's difficult to sometimes sustain those waivers of liability depending upon the -- depending upon the circumstances.

LEG. CARACCILO:

Okay. Do we have in any of our facilities any waiver forms that anyone uses; our beaches, our equestrian trails, or any other facility or the ballpark, for example?

MS. KNAPP:

Well, the ballpark certainly doesn't require anyone to sign, but the ballpark, like all ballparks, on the back of the ticket contains the waiver of liability. I don't know of any park facility that does. However, I would not be surprised if perhaps one of the horseback riding facilities might

use it. I can't say for sure.

LEG. CARACCILO:

But again, that wouldn't ultimately preclude an individual from taking a lawsuit against the County seeking damages?

MS. KNAPP:

That would certainly never preclude them from trying, whether they'd be successful or not is another question.

LEG. CARACCILO:

Okay. Thank you.

CHAIRMAN SCHNEIDERMAN:

Legislator Cooper.

LEG. COOPER:

Ms. Merrill, I really regret that you had not come to the Legislature earlier to testify, because I think that your testimony would have proved very helpful. I think I'm not the only member of the Legislature that was not aware that there was a privately run ATV park in Suffolk County. And actually to the contrary, the clear impression I got from the testimony that we heard was that there was no legal site in Suffolk County, actually no legal facility on Long Island. And that was the reason that we needed to establish this task force. And I have a few questions for you, number one, do you know how your entrance fee schedule compares to that of other private ATV parks, perhaps in other parts of New York State? Do you charge much more than the other parks? Are your fees in line with those other parks?

MS. MERRILL:

Basically as far as any other facility, we're the only one of its kind. When you come to our facility, it's actually two facilities in one. We're an AMA sanctioned racetrack, and we're also a practice facility. So we have two separate insurance policies, one for race days, one for practice days as well. Basically there is no other facility like our's that's open this many days a week. I mean, there are places Upstate you can go to, let's say Diamondback Racetrack, for instance. They charge \$50 annual fee to join their facility, but it's only to have one Wednesday practice a

month and then to be able -- to be able to race at an AMA sanctioned race. Because in order to race at an AMA sanctioned race, you have to belong to a district organization and you also have to belong to the American Motorcycle Association. And by doing that, it does help with the liability issue, because you are a member of something, you are joining something, so -- and you are signing waivers. It does help those documents hold up in court.

The other thing is the fees that we charge are what we felt were necessary to charge in order to afford our facility. So, I mean, there are other places. There is something in Pennsylvania, you know, they have their own things. You know, they might charge \$500 a year and ride whenever you want, stuff like that. But, I mean, basically we just figured what we needed to afford our facility and try to make it affordable.

LEG. COOPER:

Could you tell how many ATV riders you could safely accommodate on a daily basis?

MS. MERRILL:

On a daily basis, depending on sessions, right now, we have -- the most we ever break up our bikes is in three sessions. And usually it's when there's about 100 riders. So we pretty much put, like, 30 bikes out on a track at a time, we monitor them, we make sure everybody is out in the correct session. I mean, as far as monitoring, I mean, like, as we're watching the bikes go around the course, if we see a rider who is going very slow, and he is out with the amateur and expert riders, he gets flagged off and told to go out with the novice beginner riders. So I mean, we also have the mini riders go out separate from, you know, the other ability riders.

LEG. COOPER:

Could you tell me approximately what percentage of the time your park operates at full capacity? Can you generally not accommodate any or users and perhaps --

MS. MERRILL:

That never really happens, only because as far as time sessions, you know, because know matter what facility you go to, I mean, we've been to facilities all over the country. My son is actually one of the top riders in the whole Northeastern United States. He is actually in New Jersey right now, he just got back from Florida. We've been to tracks all the way to California.

And basically, we run our track safer than all those tracks. We see the mistakes other tracks makes when we go to them, and we correct them at your own. And basically, full capacity, there's no such thing, because we can always break up with the riders into more sessions.

LEG. COOPER:

I really have to review the minutes, but my clear recollection is that we heard testimony from a number of people saying that there were no legal sites on Long Island where they can operate their ATV vehicles, and they had to travel either Upstate or to other states.

MS. MERRILL:

I know the organization you are talking about, and they don't come to our facility because they do have an illegal facility that they're running right now. And they're getting away with it. And basically, they're collecting fees a little bit cheaper than ours, and they have a website that shows what they're doing. We have had riders come to our facility thinking they have joined that facility. And I do not like to speak negative of anybody who is trying to keep a safety factor in the sport, whether they're -- they have permits or not, whether they're doing it the right way in our eyes or not, but basically, what's happening is they're looking for the County to supply a bigger facility for them at the County's expense, which is great. I mean, my husband and myself we were like, wow, if the County is going to do something like this now, they wouldn't do it 10, 15 years ago, maybe they will consider us moving your facility to a bigger County piece of property and sell our's and get all our money back that we invested.

LEG. COOPER:

My feeling, I don't want to speak for my colleagues, is that Suffolk County should not be in the business of competing with private companies, private businesses, that are already serving a public purpose adequately. And if you are saying that you already have an ATV park in operation, apparently running to very high standards and you can accept ridership, you are as you said, basically never at full capacity, I don't know why we would agree to spend taxpayer dollars on secretarial services, provide staffing from the Department of Parks, set up an 18 member or perhaps 14 members task force that will be meeting for months, to do what? To set up a public facility that will compete with a privately run facility that's already doing an adequate job. It's just very unfortunate I think that you had not testified earlier, because I really think I was blind sighted by this. And I did not receive a full picture of the situation here on Long Island, and it's very unfortunate about this. That's it for my questions.

LEG. ALDEN:

Hi. Thanks for coming down. Are you speaking for or against 1207, which is establishing a task for ATV park use in Suffolk County sponsored by Legislator Caracciolo?

MS. MERRILL:

Basically, I'm neither for it, nor against it. I just wanted to find out more about it.

LEG. ALDEN:

Are you for or against the -- and it's basically the same title, sponsored by Legislator Crecca?

MS. MERRILL:

That's another issue. I mean, I'm neither for it nor against it. I need to know more about it before I make the decision whether I'm opposing it or not.

LEG. ALDEN:

Okay. I think you stated before, but I just wanted to clarify it, because I'm not sure if you formally stated it or if you just eluded to it, a three wheel vehicle is not accepted at your park.

MS. MERRILL:

No. They're illegal.

LEG. ALDEN:

Quads are not accepted at your park?

MS. MERRILL:

As of the early '80s, a trike, a three wheel vehicle, those were banned.

LEG. ALDEN:

Right. But I'm just asking are they accepted at your park?

MS. MERRILL:

No, they are not.

LEG. ALDEN:

No. Are quads accepted at your park?

MS. MERRILL:

Yes, they are. But children on the quads have to fit into the federal mandated ages.

LEG. ALDEN:

So they quads can run out on the same track as a motorcycle?

MS. MERRILL:

Right. That's correct.

LEG. ALDEN:

Are the quads accepted by the AMA?

MS. MERRILL:

Yes, they are. The AMA has another organization called the ATVA, they're like brother partners in the association.

LEG. ALDEN:

Okay. Are four wheel drive things jeeps, trucks, are they accepted at your park?

MS. MERRILL:

Not to ride on the track, no. The people bring their's to cart their bikes on to the facility.

LEG. ALDEN:

No. But for use on your -- see, we're confusing a bunch of different -- well, it's nomenclature, I guess. When you say an all terrain vehicles use --

MS. MERRILL:

Right. That's a wide range, I know.

LEG. ALDEN:

Exactly. You know, that's like dune buggies, monster trucks, it fits motorcycles, quads, you know, all those things. So you primarily though, and I think testified before, that you are primarily a motorcycle, so it's you're AMA sanctioned, you set up a almost like a motorcross type of racetrack, right?

MS. MERRILL:

It is, yes.

LEG. ALDEN:

And people can rent the area from you and go in there and practice, and you also can conduct sanctioned races on your track.

MS. MERRILL:

That's correct.

LEG. ALDEN:

Okay. Then that should clarify to Legislator Cooper the idea that there is more uses than what you actually allow at your facility. There's more people that came down to testify to us as to whether there might be a need or there might not be a need. And I think I'm going to clarify from -- I'll ask for a clarification if I'm misstating this, but the task force does not specifically state that it's going to identify a piece of property in Suffolk County that Suffolk County will go and purchase and then in turn operate as a four wheel drive or an off-road vehicle park. I think it's going to study whether there actually needs to be some type of facility, whether that facility exists, what type of facility it should be, whether it should be publically owned, privately owned. I think it's just to look at the whole situation including the illegal use of County facilities, the illegal use of County parkland and the abuse of County parkland.

And I envision -- and I think I got this from the sponsor -- that this ATVs task force from Legislator Crecca, I haven't had the conversation with Legislator Caracciolo yet, but the task force could very well come up with a finding that we need to dedicate maybe even hundreds of thousands of dollars to policing our parks better because of the risk of life or risk of loss of life and injury to life and also the damage being done ecologically to your parkland. So the conclusion of what's going to come out of this task force is not -- I don't think it's set in stone that we're going to end up with an ATV park in Suffolk County. We might just actually be limited to the findings of this task force that there's so much damage and there's so much risk, loss of life, etcetera on Suffolk County Parklands that we're going to double the size of our Park Police and send them out there and have them make arrests and have them take these vehicles away and stop the abuse of our lands.

So I'm not sure that, you know, of the characterization that at the end of the day, either one of these task forces, and I'll let Legislator Caracciolo explain what his intent is and what he intends

to find out at the end of the day, and I would assume it's pretty much the same as I just stated, that there may very well not be any reason at all for Suffolk County to go and establish a park because of the almost unlimited liability that we would bring on the County taxpayers. Because one injury -- I'm sure that -- have you been sued already? Has anybody noticed you with a lawsuit?

MS. MERRILL:

I'd rather not comment on that.

LEG. ALDEN:

Fair enough. Because I was going to ask also if you're been cited for any noise pollution or any violation of the code in Brookhaven or anything like that.

MS. MERRILL:

No, not at all. No. We're in no violation of any sound ordinance, pollution or anything like that.

LEG. ALDEN:

You require fully muffled vehicles to run on your track?

MS. MERRILL:

All of the motorcross bikes and quads that usually come to the track are equipped with silencers. Most of them when you purchase them have a silencer on them.

LEG. ALDEN:

Okay. Because an unmuffled motorcross bike doesn't meet the requirements of anybody's noise, whether it be Islip's or Brookhaven's or Suffolk County's. It's noise pollution if they're running without the silencers as you've indicated or mufflers as they are sometimes referred to.

MS. MERRILL:

Yeah. They all have mufflers. It's not like silent, but a silencer breaks down the noise. It doesn't make that loud, you know --

LEG. ALDEN:

You have not conducted any noise studies on your property?

MS. MERRILL:

Oh, yeah, we have. We have.

LEG. ALDEN:

Do you know --

MS. MERRILL:

Decimal readings, you mean?

LEG. ALDEN:

Yeah, what the readings are. If you could, you know, at some point in time maybe send in the results of those tests to us and show us, you know, like, where on your property they were conducted or off the property. You know, I would find that helpful or even supply, if one of these passes, to a task force that would be looking into those questions.

MS. MERRILL:

Is it okay if I address you with a question?

LEG. ALDEN:

Sure.

MS. MERRILL:

Basically, I read the resolution. And to me, my understand was that this ATV task force is looking for an ATV park. I understand what you are saying as far as policing the area.

LEG. ALDEN:

Let me stop you right now. And I'm going to turn to Legislative Counsel. Does in state in either one of these -- because that's going to really affect whether I'm going to vote for or against these -- these establishing tasks force for ATV park use in Suffolk county, are these sitings, is one the of charge to find a site on either one of the legislations?

MS. KNAPP:

Now, we're -- you know, we do have one that has already been approved by the full Legislature. I just want to make sure. I was getting confused. Neither one --

LEG. ALDEN:

Go ahead, Mike, if you can shed some light on it.

LEG. CARACCIOLO:

I think all of us would appreciate if Counsel could just cite for the record what was approved by the Legislature and what the charge, if you will, of that legislation is. Because I know this from my legislation, which I would be happy to elaborate on and you could as well, to distinguish that there are differences.

MS. KNAPP:

The one that was approved -- there are quite frankly very, very similar -- was establishing a task force to study the need for the ATV park and to reduce illegal ATV use in Suffolk county. That was the one that was approved on March 23rd.

LEG. ALDEN:

But no determination of a site. They're not charged with determining a site for that?

MS. KNAPP:

The closest it comes is that it says that they are charges assessing the feasibility of establishing a public site.

LEG. ALDEN:

Then Legislator Caracciolo's, is it distinguished in any way or does his actually go to establishing a site?

MS. KNAPP:

No. It also looks at the feasibility issue.

LEG. ALDEN:

Okay. Thanks.

MS. MERRILL:

I do apologize.

LEG. ALDEN:

Well, no, you don't have to apologize, you are not a lawyer. I'm a lawyer, and I had trouble with it, that's why I turned to another lawyer. And you know, we need clarification.

CHAIRMAN SCHNEIDERMAN:

Okay. Let's see.

LEG. ALDEN:

I'm still asking questions. She's answering the question.

MS. MERRILL:

When I read it, it seemed to me that that was the sole purpose of it. And also adding to the fact that whether or not there was a need for it as well. But I was just -- I don't know. On the number eight part of it where it says a widely known organization, I would like our organization to be considered if they are looking for somebody to run a facility.

LEG. ALDEN:

That some point, you know, in the future that might come down to that or it might not come down to it, depends on which way, you know, they end up going with the report. I just have one or two more questions for you. Do you fear competition?

MS. MERRILL:

I need to know more about what's going on before I fear it. You know what I mean? As far as -- I know when you say ATV park, what is -- what do you think an ATV park is?

LEG. ALDEN:

I don't. So I envision a broad universe. It could be four wheel drive, you know, like, dune buggies, it could motorcycles, it could be quads, it could be a combination of all those things jumping over each other and, you know, spinning around but.

MS. MERRILL:

I guess I do, because how could you compete with a Suffolk County owned facility, you know what I mean?

LEG. ALDEN:

Okay. You've answered my question. What you're doing is you are jumping to the conclusion that this report would say that Suffolk County should purchase land or use land and then operate it or license it out, and I understand your concern with that, because that's a concern that's legitimate. But if someone else were to come into the area and do -- and complied with

all the laws and do all the things that you had to do, I mean, that's not something that we can stop, nor should we be stopping that.

MS. MERRILL:

I understand that. And if I seen that coming, you know, pretty much, I would sell our facility if it looks like it was going to be something that would make us go bankrupt.

LEG. ALDEN:

Again, I understand your concern, because you don't want to compete against the public sector, because -- and really, that is unfair. It's loaded up on the wrong side. But as far as us stopping competition, that's not something, you know, that we're going to do. Plus, there's a whole universe out there that you don't really serve of off-road vehicles, and that might be what the commission comes back and finds. Now that they're aware of -- once they become aware of your park, they might say that there's other facilities that might be required in Suffolk County. Whether they're public or they're private, again, I don't want to jump to the conclusion that we're going to do either of that.

MS. MERRILL:

I know what you are saying. And the only reason why I'm very concerned is because here we are with our fully legal ten acre facility running everything, you know, professionally, and we see another organization who is going to be appointed to this task force running a little two acre facility on a residential piece of property, which is a small scaled version of what we have, which is a closed in motorcross track. Yeah, we're concerned.

LEG. ALDEN:

If you have -- and I know you don't want to do it on the record nor do I want to put you on spot, but if you could converse with me either in private or the Commissioner of Parks is over here, if you have knowledge of illegal uses of our parklands or either of private lands in Suffolk County, then, you know, I'm going to put you on the spot now. As a citizen, you have a duty to come forward. Not at this public hearing and not in a session like this, but I do feel you have a duty. Because when I see it, I call the police or call the Park Police when I see illegal uses in Suffolk County. Even if it's kids going up and down the street, I'll make the call. But I would ask if you have that kind of knowledge of illegal uses and locations, if you could share that with us or with the Suffolk County Police or with the Park Police. And we do have the Commissioner here today. I would ask, you know, in private, I don't want to put you on that much of a spot to do it in a public forum, but you know, I think it is your duty as a citizen if you have

knowledge of illegal use.

CHAIRMAN SCHNEIDERMAN:

Another avenue for you would be the local town's code enforcement, because if it's a use that doesn't comply with current zoning, then the town, in your case, Brookhaven, would be able to handle it.

MS. MERRILL:

They were already shut down. We just inquired about it when it first opened up only because we were shocked. Here we are, we purchased land, and we're not even allowed to take one tree down without getting the proper permits, and the next day somebody else is opening up.

LEG. ALDEN:

Absolutely. That's unfair.

CHAIRMAN SCHNEIDERMAN:

We don't want to put you on the spot here.

MS. MERRILL:

I feel horrible even saying anything, because here it is, you know, I do commend the people who have worked hard to try to get this task force together. And you know, they have done a wonderful job of, you know, convincing you there's a need for it, but at the same time, they knew about us as well.

LEG. ALDEN:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you for bearing with us. We do have more questions from other Legislators. Sorry about that.

MS. MERRILL:

That's okay.

CHAIRMAN SCHNEIDERMAN:

Legislator Montano.

LEG. MONTANO:

Thank you, Mr. Chairman. I think a lot of the questions I had have been answered. Thank you very much and thank you for coming. I'm a new member of the Legislature, I've been here for three months now, and my clear impression was that there was no facility to accommodate any of activities that are covered by your park. And I'm very glad that you came forward, because it sheds new light on information, which to me was very unclear. I think you indicated earlier that your membership was approximately a thousand people, is that accurate?

MS. MERRILL:

That's pretty accurate. I mean, we have members ranging in different ages, you know, difference abilities. You know, some of our riders, like, you know, they are only home on off seasons because they're traveling the country. You know, we have a lot of top riders on Long Island. You know, there's a lot of very good riders.

LEG. MONTANO:

Let me ask you this. With respect to capacity at your park, because you say you are limited to ten acres, how many more people or members do you think you could accommodate based on the size of you facility? I mean, could you double if there were more exposure? Because obviously, not everybody knows that you are there. I'm getting the impression that there's competition from other facilities that may not have the -- may not have complied with the requisites that you have complied with in terms of setting up your business. But if, in fact, some of the other places that may or may not meet the criteria were eliminated, would you be able to pick up some of that excess ridership?

MS. MERRILL:

I believe so, yes. Basically, what we -- you know, we've already looked at that, and basically what we could do is, you know, as far as membership-wise, I mean, we would know once people join, you know, what we're dealing with as far as ability and what type of riders. We can have certain days for certain ability riders. There's so many things we can do. I mean, certain parts of the day for, you know, certain type of riders or limited to, you know, more than we do now. I mean right now it works out fine. I mean, it varies from time to time when the track is busier than other times. But, I mean, there's always an alternative. Just like anything else, I mean, you know, you make do with what you have, but you might not get as much out of it.

LEG. MONTANO:

Just to reclarify, because I'm not an ATV rider, my daughter just sold her quad -- in any event, actually she would travel up to Boston to ride with some friends. The issue to me is that I'm hearing that this ATV park encompasses vehicles that your park doesn't have a capacity to service, is that accurate?

MS. MERRILL:

That is not accurate.

LEG. MONTANO:

Okay.

MS. MERRILL:

And we have seen in, I believe Suffolk Life, somebody made a comment that we can't accommodate all of our riders, and that is inaccurate. I mean, if you came to our facility, you would see that there's -- like I said, like, certain riders don't like to ride after it rained. The other day it rained, there was eight riders at the facility. I mean, we have a huge facility, and eight riders. I mean, on a Sunday if there are 100 riders, they're broken up into sessions. So, I mean, as far as ability -- and there's no way that anybody could say that, because we're never been at a point where we've said, "Oh, my God, we can't handle this."

LEG. MONTANO:

Last question. Where you're located now, do you, based on the surrounding area, because I think you described you were next to the fireworks or the Grucci facility, do you have or is there land available if you were to try to expand from the ten acres to make it bigger, is there land available adjacent to where your park is now?

MS. MERRILL:

When you say available, of course. There is land for sale, but I don't know if you are familiar with the property values nowadays, it's crazy. I mean, our facility alone is worth a lot of money right now. We can easily sell it and walk away. But we love the sport so much, and we work so hard to keep safe and legal place on Long Island, I mean, I would buy less Asprin. But, you know, the stress involved, I'm saying, especially with things like this coming up, you know, because you not only have to look forward, you have to watch what's coming behind you all the

time. Basically, there is land that can be purchased, it's just that it's a lot of money.

LEG. MONTANO:

Thank you very much.

CHAIRMAN SCHNEIDERMAN:

Legislator Cooper.

LEG. COOPER:

Through the Chair, I have a question for Legislative Counsel, because I don't have in front of me the resolution that we had approved at the full Legislative meeting, but I'm looking at the resolved clause -- one moment, please. My question was whether the task force that was established by the previous resolution was empowered to study issues over and above whether there is a need for a public ATV park and whether they are empowered to study issues such as increasing the number of Park Police and taking other steps to reduce illegal ATV use. And it appears, if I look at the wording of the previous resolution, that it is so empowered; is that correct? Or do we need to further revise the resolution to make it clear that such a task force could look at issues such as that?

MS. KNAPP:

Look at issues as to whether or not the Park Police need to be further empowered?

LEG. COOPER:

Right. Legislator Alden had mentioned that the task force could, in fact, make a recommendation that we do not need to establish an ATV site, but instead the answer may well be to hire additional parks personnel to crack down on illegal usage, and I wanted to clarify whether the task force as established by Resolution 1838 actually does have that power.

MS. KNAPP:

It's not specifically mentioned in the resolution. However, the language is general. It says they are -- they can study an analysis the need for an ATV park. I think that language is probably broad enough that they can come back and say there either is or is not a need. However, one concern that they have found is that -- that if there were more Park Police, there would be less illegal use, if that, in fact, is the case. They are not specifically charged to do that. However, I

could envision that being the finding if the facts presented themselves.

LEG. COOPER:

Thank you. And one final question for Ms. Merrill. I don't know whether you answered this adequately, but could you come up with an explanation for why we were faced with the situation at the last couple of meetings where we had 100 people in the audience telling us that there was no legal site on Long Island where they could ride their ATVs? Were they all unaware of your facility or was there something else driving this?

MS. MERRILL:

I believe that -- I can't speak for anybody else, but I believe that maybe they were more or less speaking at a free place to ride, because there is no free place for anybody to ride. Like, everybody -- and I know because we've been through the whole thing of trying to get, you know, town, county or state lands, is when you're lobbying to try to get something, you're going to reach out there.

And, yeah, there's enough baseball fields, there's enough public golf courses, there's enough other public facilities, but there's no public ATV park. And maybe that's what they are talking about. Because pretty much everyone that has an ATV or a dirt bike knows about our facility. I mean, we've had radio stations at our track, we have flyers in every motorcycle dealer throughout the whole Suffolk County and Nassau County as well. We're in the AMA Magazine, we're in Cycle News Magazine. The organization that's heading this task force has been to our site. They have pictures of our track when it first started getting built on their website. It says Yaphank Track. Right there, that's proof that they know about our facility.

So, I mean, I can't speak for anybody else. I don't know why they would say we don't exist when they know we exist. But I could tell you something, if I was to lobby right now for something, I could get the AMA to do a mailing for me. For every AMA member in Nassau and Suffolk County, I could get our membership list from 1989 until now, and I could blast everybody and tell them, listen, come to this meeting. And there would not be enough room to fit everybody that would come. There would be thousands of people. And it's easy to get 100 people. I could have just made a couple of phone call this morning, but I just wanted to see what this was all about.

LEG. COOPER:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Legislator Cooper, on your earlier question, I just wanted to clarify for the record, on the resolution that was passed to create an ATV task force, there was a resolve that was added or language that was added to the first resolve specifically to make recommendations to reduce illegal ATV use on public park property in Suffolk County. So it's very much in the scope of the first ATV committee. Thank you. Legislator O'Leary.

LEG. O'LEARY:

I have been very patient, you're absolutely right. This gives credence to perhaps us limiting questions during public portion during committee. Now I regret clarifying the rule that was obtained yesterday. But I have just one very brief question. And I must confess to you, as the elected official Legislator who represents the area that you're in, I didn't know you were there.

MS. MERRILL:

That's because you came into office after we already --

LEG. O'LEARY:

But be that as it may, in response to some of the issues that have been raised here by my colleagues about not knowing about this ATV course, motorcross, I'm the Legislator that represents the district, I didn't know it was there. I don't know how well publicized the fact is that you have this. Perhaps the other ATV all know about it, but certainly individuals who aren't focused on ATVs use and motorcross, etcetera, are not aware of the location. But now that I am, I'm taking little bit more of an interest in it, I'd like to see the facility myself. But I have one question though and it regards safety. Do you keep a record of safety mishaps or incidents on the course itself?

MS. MERRILL:

Yes, I do.

LEG. O'LEARY:

What sort of experience do you have with respect to that?

MS. MERRILL:

I'm considered -- actually, from going through risk management workshops over the years and from being so involved in it, pretty much I'm consider the insurance communication officer for our facility as well as 100 other jobs.

LEG. O'LEARY:

Can you be more specific as to how many incidents on average occur on a monthly or annual basis?

MS. MERRILL:

Really not that much. I mean, you might get somebody on an average, you know, fall and, you know, maybe break an ankle or an arm. I mean, it's -- it's inevitable that they are -- I mean, just football alone, I mean, my daughter went for cheerleading all the way, you know, to high school varsity and, you know, national cheerleading competitions, and there have been a lot of injuries very similar.

LEG. O'LEARY:

Do you have any medical facility available nearby or an ambulance on-site or any first aid station or anything like that where that might be appropriate?

MS. MERRILL:

Yes. At your race events, we have an ambulance on-site every minute. South Country Ambulance is hooked up to our facility where they can be there in less than two minute. And we do have -- we do have a number of riders who are also paramedics as well as firemen and policemen also ride at our facility who are trained for that too.

LEG. O'LEARY:

Okay. I am going to make a point to stop down there to take a look at the facility. It's north of Horseblock Road?

LEG. O'LEARY:

If you're talking about the Grucci location, that's north of --

MS. MERRILL:

Right.

LEG. O'LEARY:

Are you adjacent to that?

MS. MERRILL:

No, we're not. We're -- there's actually another parcel of land dividing us from there.

LEG. O'LEARY:

Because that's strictly industrial use, zoned for industrial use.

MS. MERRILL:

Right, yes.

LEG. O'LEARY:

Were you rezoned by the town for the purposes of having this business?

MS. MERRILL:

Yes. We actually -- the last time we went to Zoning, we still have our special use permit that we're using right now.

LEG. O'LEARY:

Okay. And you are the sole owners of the property, you and your husband?

MS. MERRILL:

My husband and myself, yes.

LEG. O'LEARY:

All right. Thank you very much.

CHAIRMAN SCHNEIDERMAN:

Thank you, Legislator. We have one last question or comment. Legislator Caracciolo.

LEG. CARACCILOLO:

Thank you. The Town of Brookhaven, used to operate, I don't know if they still do, a motorcross facility.

MS. MERRILL:

Right.

LEG. CARACCILO:

Do they still maintain that facility?

MS. MERRILL:

No.

LEG. CARACCILO:

That was the facility in Shoreham.

MS. MERRILL:

That's not -- a lot of people get that confused. That's a bicycle motorcross.

LEG. CARACCILO:

Okay. Because they used to actually have a sign that said Town of Brookhaven Motorcross.

MS. MERRILL:

Right. Henrietta Acompora founded that.

LEG. CARACCILO:

That's correct.

MS. MERRILL:

As a matter of fact, when we were searching back ten or 15 years ago for town, county or state land, there's a piece back there where an airplane club runs, and we were looking to use that facility, you know, somewhere near there, but we were told that wasn't good.

LEG. CARACCILO:

Thank you.

CHAIRMAN SCHNEIDERMAN:

I thought we were done, but we have one more. Legislator Cooper.

LEG. COOPER:

Sorry. It's a little off topic. But when my 18 year old was 12, for his birthday, we brought him and all his friends to a go-cart racetrack out there somewhere, and I wanted to do it for my ten year old now, can't remember the name or where it's located. I checked the internet. Do you have any idea where this is?

MS. MERRILL:

Actually, right now, there is a go-cart racetrack in Westhampton.

LEG. COOPER:

It wasn't that far out.

MS. MERRILL:

It wasn't that far out? Oh, maybe right on Horseblock Road there is a newer one. Yes. It's right by a new RV dealership that opened up.

LEG. COOPER:

That would be in Yaphank?

MS. MERRILL:

Yes.

CHAIRMAN SCHNEIDERMAN:

Thank you, Ms. Merrill.

MS. MERRILL:

Thank you.

CHAIRMAN SCHNEIDERMAN:

You better sit down while you have that chance.

MS. MERRILL:

Okay. Thank you.

CHAIRMAN SCHNEIDERMAN:

Joe Merrill, I'm guessing, our next speaker is related. Do you still want to speak?

MR. MERRILL:

No. She covered everything. Skip Armstrong.

MR. ARMSTRONG:

Mr. Chairman, distinguished Legislators, good afternoon. My name is Skip Armstrong, and I'm here today representing the Suffolk Committee for Camping. The Suffolk Committee for Camping was formed back in 1992 to act as a liaison between the camps of Suffolk County and the Suffolk County Parks Department. We presently have a membership of over 7000 members. Since our inception, we have worked very closely with the Park Departments on a number of project and issues, and most importantly, to promote family camping in Suffolk County.

I come before you today to discuss Resolution 1242, to rename the campground at Cathedral Pines County Park as the Joseph J. Masem Campground. Joseph Masem began his quest for more family camping in the late the 1960s. Joe and other independent campers approached Charles Donnelly, the Suffolk County Parks Commissioner at the time, and sought his help in developing areas in some of the Suffolk County Parks. Suffolk County agreed and proceeded clear sites at two parks.

Joe and his group with Joe driving force rounded up volunteers and spent many hours of their own time clearing sites of what is now Southaven Park. In the early 1970s, Joe was in again instrumental in convincing Suffolk County to provide camp sites at Smith Point County Park. Joe donated many hours of his time helping with rallies at Cathedral Pines. He helped install and maintain the original PA system in the park. He also installed the PA system and the alarm system in the George {Broom} Memorial Building.

Through the years, Joe assisted in maintaining telephone services for the seasonal attendants at Cathedral Pines through his many contacts at Verizon, NYNEX and the New York Telephone Company. Joe Masem was very active in all facets of family camping. The following are some of his accomplishments. 1967 to 1970, Joe formed a chapter of National Campers and Hikers Association known as NCHA and became president of that chapter. While serving as president

of the local chapter of NCHA, Joe was appointed Suffolk County Field Director by the Suffolk County District of NCHA. As field director, Joe worked closely with several camping groups as their advisor. In 1970, Joe was appointed District Director of Suffolk County by the New York State NCHA along with his wife Carmela.

1976, Joe organized the New York State NCHA Campout at Cathedral Pines along with his wife Carmela. 1980, Joe and Carmela again organized an NCHA Stamp Campout at Cathedral Pines. These two campouts were and remain to this day the largest in NCHA Stamp Campout's history of NCHA. They had 670 rigs up at Cathedral Pines. Joe received -- 1984, Joe received the Field Director of the Year award for his outstanding service to the Suffolk County -- to the New York State and Suffolk County chapters of NCHA. 1990, former Suffolk County Executive Patrick G. Halpin appointed Joe to the Suffolk County Family Advisory Board, which he eventually became Chairman. 1992, former Suffolk County Executive Robert Gaffney appointed Joe to the LISIS Services Counsel.

1994, Joe was elected to the Board of Directors of the Suffolk Committee for camping and eventually became our vice president. 1997, Joe was selected as the Suffolk County Camper of the Year Award for his unselfish dedication to the promotion and preservation of family camping in Suffolk County. 2000, Joe was presented with a certificate from NCHA in the Family Campers and RVers in recognition of his 35 years of dedicated service to family camping in Suffolk County. The former Commissioner of Parks, Peter Scully, presented Joe with an award for his hard work and dedication in promoting family camping in Suffolk County.

Throughout Joe's life he always gave back to the community. Joe raised three sons the same way. Because of his sons and grandsons, Joe was involved in many activities, such as the Cub Scouts he would always be called upon to assist with his woodworking skills in making cabinets and ornaments. In November of 2002, Joseph J. Masem passed away after a 25 year battle with cancer. Through all his operations and chemo treatments, Joe never once let go of his love of camping and the family values it promotes. Joe remained active in all the aforementioned organizations and committees rights up to the end. Joe has been sorely missed by the camping community and all his friends, but will never be forgotten. By renaming the campground at Cathedral Pines the Joseph J. Masem Campground at Cathedral Pines, we will be assuring that Joe is never forgotten and that his love for camping and the family values it promotes will live on. On November 13th, 2003, the Suffolk County Parks Trustees unanimously passed that this proposal. And today, we are asking you to do the same. Thank you for your precious time and

attention.

CHAIRMAN SCHNEIDERMAN:

Legislator Carpenter.

LEG. CARPENTER:

Thank you. I just want to thank Skip for coming and also note that Joe's wife Carmela is here with one of their sons and two of their grandsons. And I'm hoping that everyone will support this. Not only will it memorialize what he has done for camping and for families throughout Suffolk County, but I think it will serve as a reminder for future generations to follow his wonderful example of giving back to the community. I thank you for coming down. I'd like to make a motion if I could to take this out of order.

LEG. COOPER:

Second.

CHAIRMAN SCHNEIDERMAN:

All in favor? Opposed? We'll take that out of order.

1242-04. Renaming campground at Cathedral Pines County Park as the Joseph J. Masem Campground. (CARPENTER)

LEG. CARPENTER:

Motion to approve.

LEG. COOPER:

Second the motion.

CHAIRMAN SCHNEIDERMAN:

All in favor, aye? Any opposed.

LEG. O'LEARY:

Cosponsor, please.

LEG. COOPER:

Cosponsor, please.

CHAIRMAN SCHNEIDERMAN:

Okay. It passes. **APPROVED. (VOTE:7-0-0-1) (Not present; Legis. Viloría-Fisher).**

Thank you. Our next speaker, Patricia Snyder.

MS. SNYDER:

Hi. Patricia Snyder, I'm a resident of Jamesport. And I'm here to introduce myself. I'm being considered for appointment to the Citizens Advisory Board for the Arts. If there's anything I can share with you.

CHAIRMAN SCHNEIDERMAN:

Any questions for Ms. Snyder?

MS. SNYDER:

Do you want some background?

CHAIRMAN SCHNEIDERMAN:

Sure.

MS. SNYDER:

Okay. A resident of Jamesport. I'm currently the Executive Director of the East End Arts Council in Riverhead. I'm been with the Arts Council for eight years, began as an education director there. I've taught in the public school system for ten years. And currently, some of the projects I'm working on are the Riverhead Incubator for the Arts with support through the Town of Riverhead. We're doing numerous projects in town and starting new projects everyday. In my position, I have a lot of associations with arts organizations on the East End of Long Island as well as individual artists. I work closely with the school districts and with the community and the town governments.

CHAIRMAN SCHNEIDERMAN:

Any questions for Ms. Snyder? Legislator Carpenter.

LEG. CARPENTER:

I have a question. Did you have anything to do with the Blues Festival along the river front?

MS. SNYDER:

No. The Arts Council has supported their efforts and provided space, but we're not involved in the organization of the event.

LEG. CARPENTER:

When is that being held, do you know?

MS. SNYDER:

July 17th, 18th, 19th.

LEG. CARPENTER:

I happened to attend that event two years ago. It was really quite interesting and nice to see so many people coming into Downtown Riverhead and sitting there along the river front and listening to the music, live music. It was great.

MS. SNYDER:

It's managed by the Riverhead Business Improvement District.

CHAIRMAN SCHNEIDERMAN:

Motion to approve by Legislator Caracciolo -- oh, to take this out of order.

LEG. CARACCIOLO:

Motion to take it out of order, Mr. Chairman.

CHAIRMAN SCHNEIDERMAN:

All in favor, aye? Okay. We'll take that out of order. That's Resolution 1286.

1286-04. To appoint Patricia Snyder as a member of the Suffolk County Citizens Advisory Board for the Arts. (CARACCIOLO)

CHAIRMAN SCHNEIDERMAN:

Motion to approve by Legislator Caracciolo, seconded by Legislator Cooper. All in favor, aye? Opposed? **APPROVED. (VOTE:7-0-0-1) (Not present; Legis. Vilorio-Fisher).**

Congratulations. Our last speaker card is George Fernandez.

MR. FERNANDEZ:

I'm afraid we're going to be revisiting the ATV task force issue. My name is George Fernandez, I'm a resident of Ridge. I'm also associated with the Long Island Greenbelt Trail conference, the Open Space Council and the Ridge Civic Association. I am a seasonal employee of Suffolk County Parks. I work out at the Pine Barrens Trails and Information Center. And two summers ago I actually wrote a land management plan for -- for access on to undeveloped parklands by ATV. So I have a pretty good background as it would relate to the problem that exists, most -- especially in our undeveloped parks.

I'm here to speak in favor of Legislator Caracciolo's resolution, in that as a member of Greenbelt, I've been involved on a -- on a -- as a volunteer in managing and coordinating maintenance on the Pine Barrens Trail and quite a bit of the trails on Suffolk County Parkland. And what's missing from Legislator Crecca's resolution is the inclusion of user groups that have actually been blessed with the responsibility of trying to steward many of the trails that exist on County parkland. And, you know, we've been dealing with this issue for quite a few years. I for one have been one to organize Eagle Scout projects and also work outings with retired gentlemen as they relate to trying to heal the trails of the damage that's been done. And frustratingly enough, more often than not, in fact, more often when we do an Eagle Scout project or I go out with my retired Thursday crew, I call them, we'll go in, and we'll do some stepping, do erosion mitigation, water bars, different types of ways of trying to control the problem that exist as a direct result of illegal ATV activity.

An once we finish our project because of the composition of the understory being so thin, what happens is the illegal -- the illegal users will just quite simply go around and create new outwashes. And it's just been a mess. And I see that in that I've been out there for now six summers in a row for the County. I'm seeing that there is hope. The activity is kind of starting to be quelled a bit, but the damage that's being done is still unacceptable. And I believe that this task force is a very, very important step more than for any other reason in really probably putting the final nail in the coffin as far as the illegal use. I'm confident that there will come out of this a zero tolerance for illegal activity on County parklands. And hopefully, I feel confident also that out of this entire process the County will realize you need to invest more money in

infrastructure. Part of the study that I did really pointed at the problem of access coming out of communities that were continuous with open space that's undeveloped for the County. There is no form of communication coming on to these properties.

In that respect, I think this is a major part the problem. That also being said, facilities like the Long Island Motorcross, which is -- that was a beautiful presentation by the way, what they're doing -- I'm just afraid there's to, many people out there that can so conveniently leave their properties and just go right into the woods. And I found that when I was doing my work for the County out in the field, what I would do is I would actually walk the entire perimeter of County parks parcels. And I would look for illegal access coming out of the yards. And it's just incredible how many people will just want to continue to do that.

So I think that this task force is important. I think it's important that the representation be inclusive of the different recreational groups that have been good stewards, good neighbors, good -- you know, we've worked very hard out there to try to help alleviate the problem and at the same time to start the healing process. I feel that we're very, very close. I do believe we're going to need more funding for the police, and that's actually a part of -- another important part of what's missing in Legislator Crecca's resolution is that the Suffolk County Parks Police and the DEC are not to participate in that task force. And I think that that's -- I don't think that that's right. So more than anything, I'm speaking in favor of what Legislator Caracciolo is bringing to the table, and I be more than happy to answer any questions that the Legislature should have related to this.

CHAIRMAN SCHNEIDERMAN:

Legislator Carpenter.

LEG. CARPENTER:

Thank you. I just want to thank you for coming down and for your caring and stewardship of the parks and for involved for these years. Did you come down to address the Legislature -- I can't recall -- when we were considering the ATV task force bill that was passed?

MR. FERNANDEZ:

There's life. There's conflicts. You know, maybe I didn't hear about it. You know, I'm here now addressing you.

LEG. CARPENTER:

Great. I just also then would tell you that the task force bill that was passed very specifically had a change made to it prohibiting any consideration for any existing parklands for that kind of use. So that should be something that you are aware of. And also the fact that it was my understand that Legislator Crecca did reach out to the DEC, and that they really were not interested in participating.

MR. FERNANDEZ:

Well, my greatest concern then, I guess, is really -- I know the Suffolk County Park Police would like to be involved, I don't see why they wouldn't, and also the difference users groups. You know, I'm out there every summer busting my butt, and I seem to be making no head way. I'm going out there to try to, you know, to try to reverse this, you know, what's going on in the forest. And it's just very frustrating. And I think that we also have to bring to the table an expertise in terms of, you know, maintaining trails and trying to find the right path so to speak so that erosion is kept to -- you know, is limited. That is if, indeed, you were to discover a piece of property that you would want to develop. So, you know, I just think that it's really important that the users groups that have quite a bit of experience out in the field should be a part of the process.

LEG. CARPENTER:

You know, just for the record, I absolutely agree with you. I think the more the merrier when you're looking at a subject like this. And to be more global only brings back feedback and hopefully information that will help in the long run. Thank you.

CHAIRMAN SCHNEIDERMAN:

Legislator O'Leary.

LEG. O'LEARY:

Mr. Fernandez, I'm just trying to check some data with respect to the record of Resolution 1838, which is Legislator Crecca's resolution that was passed by the full body March 24th. My understanding is that resolution has been amended to include participation on the task force by a member of public safety so designated by the Presiding Officer. So he can, in fact, if he's so inclined, to appoint a member of the Park Police to the task force.

MR. FERNANDEZ:

Right.

LEG. O'LEARY:

It's not mandated that it be Park Police, it gives the discretion to Presiding Officer to appoint a member of the Public Safety Law Enforcement community --

MR. FERNANDEZ:

Right.

LEG. O'LEARY:

-- to the task force.

MR. FERNANDEZ:

One other thing that I noticed in the original resolution is that it seems that the off-road vehicle community is -- how do I put it? I just feel like they have an advantage over the users groups that have been embraced and gone out there and poured their sweat and blood into -- into -- you know, as volunteers maintaining parkland for the County. And I don't think that we're being properly represented in this case, especially when I see that there's three representatives from off-road organizations, you know, as part of that task force and no one from, let's say, Long Island Greenbelt Trail Conference or, you know, the equestrian community. That's pretty much the main gist of what I'm trying to bring to the table.

LEG. O'LEARY:

Our particular dilemma is that we've already passed the resolution establishing the task force. And there's one before us today. So you can understand that there needs to be some clarification in my mind. And I'm going to request of the sponsor of that resolution, Legislator Caracciolo, if you will be kind enough to explain to the committee what is the difference between the resolution that we passed on 3/24, because I'd be very interested in hearing that?

CHAIRMAN SCHNEIDERMAN:

Let's save that as part of the discussion on the resolution. Thank you, Mr. Fernandez.

MR. FERNANDEZ:

Very good. Thank you.

1243-04. Amending Resolution No. 1046-2003 to include the use of Southaven Park for the Long Island two day Walk to Fight Breast Cancer, Inc. (O'LEARY)

CHAIRMAN SCHNEIDERMAN:

Let's get to the regular part of the agenda. We took Resolution 1242 out of order. I'm up to 1243. I know Liz Harrington from the County Attorney's Office would like to speak before this resolution.

MS. HARRINGTON:

Thank you, Mr. Chairperson. I'm here from the County Attorney's Office just to briefly discuss an analysis of the proposed legislation that was done by the County Attorney's Office. In essence, the conclusion of the County Attorney's Office was that although the Legislature has the ability to enforce and care for control of County property and to institute fees, that this authority has already been given to the Commissioner of Parks. As such, the fee schedule is already codified at 6883 in the County Code and that the proposed schedule for this event is so far off of that recommendation and so far off of the statutory fee that it could be deemed a donation. The fee schedule calls for the lowest fee of 125, and the highest is 500 per day. Any such donation of the County park property would be in contravention of the State Constitution. And so it's problematic in that respect.

LEG. O'LEARY:

If I may.

MS. HARRINGTON:

Yes.

LEG. O'LEARY:

Are you speaking on 1243?

MS. HARRINGTON:

I am, sir.

LEG. O'LEARY:

And what is your opinion? I'm sorry, I wasn't listening. Somebody just told me you were

speaking on my bill.

CHAIRMAN SCHNEIDERMAN:

Could you repeat the last part?

LEG. O'LEARY:

There's a constitutional question here?

MS. HARRINGTON:

The constitutional question is that there's a statutory fee schedule in the Suffolk County Code already. And it sets forth fees that this does not comport with. And the problem is that it's so far off of the fee schedule that it could be considered a gift of the use of County property which contravenes State Constitution.

LEG. O'LEARY:

All right. I'll discuss the merits of this particular resolution when it comes before the full committee.

CHAIRMAN SCHNEIDERMAN:

Is it before us.

LEG. O'LEARY:

Oh, we're addressing 1243?

CHAIRMAN SCHNEIDERMAN:

We're not in discussion, she asked to speak prior to resolution.

MS. HARRINGTON:

If I could just finish, Legislator. So the County Attorney's opinion in essence is that by giving varying fees to different users, we end up with all different people getting the use of County parks for widely varying fees; some paying \$500 per day, some paying \$50 per day and that it can be viewed as capricious, arbitrary, contrary to the Administrative Code, and it could be considered a violation of the

State Constitution. And in fact, the New York State Comptroller's Office has put forth their own opinion that says a municipality pursuant to the State Constitution is prohibited from giving away County property or the use of County property for a nominal charge or no charge.

LEG. CARACCILO:

What's the date of that opinion.

MS. HARRINGTON:

That's 1984, opinion 84-39.

CHAIRMAN SCHNEIDERMAN:

All right. We're still with Legislator O'Leary, then I'm going to go to Angie Carpenter.

LEG. O'LEARY:

With respect to an explanation regarding this amendment to 1243, initially there was -- it was for a two day breast cancer walk to fight breast cancer. And the two parks involved were Smith Point County Park and Cathedral Pines. This amended resolution includes adding Southaven Park as a stop-over for purposes of the marchers having some lunch and relieving themselves, resting, whatever. That's the first point. The second point is the fee so requested has been reduced from \$750 per diem to \$150 per diem. This is the first annual breast cancer walk to fight breast cancer. And it's the opinion the this Legislator that every effort should be made to cooperate in their endeavors. I understand your particular constitutional constraints. However, my position is that if the County Executive is of the mindset to veto this, he can do so at a later date. But I would urge my colleagues in the Legislature to pass amended version of this resolution and put it in the hands of the County Executive to see what he will do with it.

CHAIRMAN SCHNEIDERMAN:

Legislator Carpenter.

LEG. CARPENTER:

I'm going to speak to process as I did yesterday. It's obvious from Legislator O'Leary's reaction that this is the first time he is hearing about the County Executive's or the County Attorney's problems with this resolution; is that not correct?

MS. HARRINGTON:

Ms. Carpenter, I'm here on behalf of the County Attorney's Office. And the appropriate place to discuss perceived problems with the bill is, in fact, in committee where the bill can be amended

if you deem that necessary. So I'm not here from the County Executive, I'm here from the County Attorney.

LEG. CARPENTER:

Well, the County Attorney --

MS. HARRINGTON:

Excuse me, if I might finish.

LEG. CARPENTER:

No.

MS. HARRINGTON:

The legal assessment as to her view and the office's view of the proposed legislation. What you do with it is entirely up to you.

LEG. CARPENTER:

I understand that. But I am speaking to process and courtesy, if nothing else. And, yes, the County Attorney -- you're here from the County Attorney's Office, the County Attorney does, in fact, work for the County Executive, was appointed by the County Executive. So to try to characterize it as County Attorney and not County Executive is less than accurate. But my concerns is it's common courtesy to contact the Legislator who's sponsoring the resolution when the information or the determination is made rather than waiting to come to the committee. Now this particular cycle is not problematic, because if, in fact, the Legislator cares to amend the bill, there's time to do so. I'm sorry I'm obviously boring you since you're yawning as I'm speaking.

MS. HARRINGTON:

Not at all. Please continue.

LEG. CARPENTER:

Thank you for the permission to continue. But I'm saying that the opportunity to amend the bill exists now. It isn't always going to the case. So I would ask if you would please ask the County Attorney in the future if there are problems with the bill to either contact the sponsor or contact Legislative Counsel.

MS. HARRINGTON:

I will certainly carry that request. But I respectfully disagree with your view of process. And quite frankly, if any has any questions about their bill and would like to have a legal opinion proffered, they have every right to call our office and ask for that to be done.

LEG. O'LEARY:

If I may through the Chair. We have that ability to do so with our Legislative Counsel.

CHAIRMAN SCHNEIDERMAN:

We do have a list. I do have point of clarification, thank you, Legislator O'Leary. The next speaker I have --

LEG. CARPENTER:

I wasn't finished.

CHAIRMAN SCHNEIDERMAN:

I'm sorry.

LEG. CARPENTER:

I can appreciate the fact that you might want to disagree. I've been here 11 years. And I'm speaking to process and procedure, and in the time that I have been here, the process and procedure has been to respectfully contact the sponsor. And if that's departure, then we've been alerted to the fact that that is, in fact, the case. Thank you.

CHAIRMAN SCHNEIDERMAN:

Cameron Alden. Legislator Alden.

LEG. ALDEN:

As long as you are going to offer a legal opinion, if this was modified to include say a donation from Suffolk County to find a cure for breast cancer and include maybe a million dollars or 250,000, 500,000, which is I know a pittance, it should be more, because this is a dreaded disease that claims too many people in Suffolk County and afflicts too many families, but if this bill was amended to include a donation on top of allowing them to use the property, is that illegal under what you have described?

MS. HARRINGTON:

I think there's a misconstruction of what I've said, Legislator Alden. The issue isn't donations, it's that we have a fee schedule that's already --

LEG. ALDEN:

But you said it might be deemed a donation of government property.

MS. HARRINGTON:

Well, the issue is that the fee schedule is set with a mind towards what it costs to actually maintain the park and clean up and so.

LEG. ALDEN:

Do you know what it cost for breast cancer -- to fight breast cancer? Do you know what it costs when you are a victim of breast cancer?

MS. HARRINGTON:

This has nothing to do with --

LEG. ALDEN:

No. It does have something to do with it, because I find it -- personally, I find it very affrontive for you to come in here and to, actually on any ground, to oppose this type of legislation. I find it a personal affront, and I take it personally. And I really don't believe that you really acting in a proper capacity coming in here and bringing that type of an opinion in here.

CHAIRMAN SCHNEIDERMAN:

Keep from the personal attacks.

LEG. ALDEN:

Now, I've asked a question, I'd like a legal opinion.

MS. HARRINGTON:

If I could respond to that. Obviously.

CHAIRMAN SCHNEIDERMAN:

Yes, you may.

MS. HARRINGTON:

Clearly, obviously, we all support the work of this association, and it's grossly unfair to insinuate that because we offer legal opinions that we don't. We are simply here to offer the legal of the County Attorney. You are free to do with the information whatever you wish. But it's not a personal issue.

LEG. ALDEN:

My interpretation is that you in the County Attorney's Office, if you want to do something as a Legislator, which I believe is our prerogative, to fight breast cancer or find a cure or to raise awareness, that that is illegal?

MS. HARRINGTON:

That's not what not I'm saying at all, Mr. Alden.

LEG. ALDEN:

That's exactly what you're saying.

CHAIRMAN SCHNEIDERMAN:

We're going to have an opportunity to vote on the merits of this resolution in a moment.

LEG. O'LEARY:

Point of personal privilege, please, with respect to my resolution. I have one question. Is it your opinion that this body does not have the authority to amend any existing fee structures that are established throughout the County, yes or no?

MS. HARRINGTON:

I can't answer that yes or no. I can tell you that you do not have the authority --

LEG. O'LEARY:

Are you saying we do not the authority -- are you saying we do not have the authority to amend a current fee structured which is established by us by all intents and purposes? You are saying we don't have the authority to do that?

MS. HARRINGTON:

I'm saying that this legislation, this proposed legislation, could be viewed as contravening state law, and you do not have that --

LEG. O'LEARY:

This legislation, ma'am, this legislation is amending, amending the existing the fee structure, which we fully have the authority to do.

MS. HARRINGTON:

The State Constitution governs and provides that no county will give, loan or provide the use of county land to any individual, private or outside venture unless adequately compensated fair market value, and that is the issue.

LEG. ALDEN:

I'll take the lawsuit.

LEG. CARACCILO:

Mr. Chairman, may I.

CHAIRMAN SCHNEIDERMAN:

It's a not for profit, so I'm not sure it qualifies as a private entity.

MS. HARRINGTON:

Any outside entity.

CHAIRMAN SCHNEIDERMAN:

My next speaker request is Legislator Montano, Legislator Caracciolo, then myself

LEG. MONTANO:

Thank you, Mr. Chairman. Ms. Harrington, first let me just be clear, and I don't know if you should answer this or our own Counsel, but what role does the County Attorney's Office play with respect to advisory opinions or advisory -- well, I'll leave it at that -- advisory opinions with respect to legislation by this Legislature? Are you, in fact, our counsel on matters of legalities with respect to pending litigation -- not litigation which we may have, but pending legislation?

MS. HARRINGTON:

Yes, we are.

LEG. MONTANO:

So what you are saying is that you are coming here in your role as an advisory official with respect to our Legislative function; is that correct?

MS. HARRINGTON:

That's correct.

LEG. MONTANO:

Okay. Now, let's move on to the other issue. What I understood you to say is that reason that you are opposed to this bill is simply because this Legislature apparently at some point in prior history had approved or delegated to the Park Commissioner the responsibility to set a fee schedule; is that correct?

MS. HARRINGTON:

That is correct.

LEG. MONTANO:

And, in fact, this bill circumvents the fee schedule that's established or that was promulgated by the Commissioner of Parks at some point?

MS. HARRINGTON:

That is correct.

LEG. MONTANO:

So conceivably, we have a fee schedule that, in essence, any time a Legislator wants to circumvent or change that schedule, all we need to do is simply put in a resolution and get ten votes to pass it; is that correct?

MS. HARRINGTON:

That's what they've been doing.

LEG. MONTANO:

That's what I'm saying. And your point is that we ought not to be doing that, because what we're in essence doing is taking back the delegation that we gave to the Parks Commissioner; is that correct? That's your legal position?

MS. HARRINGTON:

That is correct. But it goes further then that. It's that this particular fee schedule is so far off of the fee schedule that's already codified that it's more than that. It's that this is basically a donation which we are stopped from doing under the State Constitution.

LEG. MONTANO:

Okay. The issue has nothing to do with the merits of the organization, it just has to do with whether or not the process --

MS. HARRINGTON:

There's nobody in this room that doesn't support the efforts.

LEG. MONTANO:

I understand that. Thank you very much.

CHAIRMAN SCHNEIDERMAN:

All right. Thank you. Legislator Caracciolo.

LEG. CARACCILO:

Ms. Harrington, could you just repeat what you said the fee schedule is in the Administrative Code?

MS. HARRINGTON:

Well, the fee schedule in the Administrative Code is Suffolk County Code 688-3. And they do have a fee schedule for groups, and it depends upon the number of people, but the lowest amount is \$125, but that would be for 100 or less.

LEG. CARACCILO:

I bring that up because there is a another resolution in the packet sponsored by the County Executive for \$250.

MS. HARRINGTON:

Right, which is the fee schedule for 250 people, which is what the permit application states.

LEG. CARACCILO:

I just wanted to see if there was any disparity, apparently not.

MS. HARRINGTON:

It's in conformity.

LEG. CARACCILO:

I also would like Legislative Counsel, Mea, could you just comment with respect to the County Attorney's opinion this afternoon on both the Administrative Code and the State Constitution provisions. Are we contravening both if we approve this resolution?

MS. KNAPP:

Article 8 of the New York State Constitution prohibits the gift of public funds. I quite frankly don't think this rises to the level of an Article 8 violation. The question of whether or not the Legislature should or should not be contravening the delegation is one that I believe I would leave to the Legislators. With ten votes and the signature of the County Executive, you have a presumption of validity.

MS. HARRINGTON:

If I could just respond to that. That New York State Constitution Article 8 is money or property, it's not just funds.

CHAIRMAN SCHNEIDERMAN:

I just want to offer one comment. Although I've only been on this --

MS. KNAPP:

I agree.

CHAIRMAN SCHNEIDERMAN:

I've only served as a Legislator now for -- this is my fourth month, I have been involved in municipal government for the last 12 years, and never have I heard the suggestion even that a

waiving of a fee for a charitable organization constituted a gift of municipal funds.

MS. HARRINGTON:

Well, I think that's especially true in view of the fact the fees are set, because of how much it costs to clean up and maintain the area. And if we're then providing County personnel to do that, it is in effect a gift. But that is just a legal opinion that I offer for your consideration.

LEG. CARACCILO:

Motion.

CHAIRMAN SCHNEIDERMAN:

I wouldn't disagree with you if it was for a wedding, but for charitable function, I do disagree with you. Okay. We're going to -- there's a motion to move the bill.

LEG. O'LEARY:

Motion to approve, please, as the sponsor.

LEG. ALDEN:

Second.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator O'Leary, seconded by Legislator Alden. All in favor? Opposed?

LEG. CARACCILO:

Abstain.

LEG. ALDEN:

Add me as cosponsor.

CHAIRMAN SCHNEIDERMAN:

Okay. Cosponsor, Cameron Alden.

LEG. MONTANO:

Put me as an abstention.

LEG. ALDEN:

On this legislation?

CHAIRMAN SCHNEIDERMAN:

Yes, it does pass. **APPROVED. (VOTE:5-0-2-1) (Abstention; Legis. Caracciolo and Montano) (Not present;Legis. Viloría Fisher)**

LEG. ALDEN:

Can I just make a quick statement on this? I find it troubling that this administration, this early in this administration, has chosen to come over and take on our fight against breast cancer. In any way, shape or form, I find that very, very troubling. Even in a small legal opinion as was mentioned today.

CHAIRMAN SCHNEIDERMAN:

Let's go to the agenda.

1304-04. Appropriating funds in connection with improvements at County golf courses, Timber Point. (COUNTY EXEC)

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Carpenter, seconded by Legislator Caracciolo. All in favor? Any opposed? Passed and carried. **APPROVED (VOTE:7-0-0-1) (Not present; Legis. Viloría-Fisher)**

1305-04. Appropriating funds in connection with improvements at County golf courses, West Sayville. (COUNTY EXEC)

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Caracciolo, I will second. All in favor? Any opposed? Passed and carried. **APPROVED (VOTE:7-0-0-1) (Not present; Legis. Viloría-Fisher)**

1319-04. Authorizing the use of Gardiner's County Park by Long Island Alzheimer's Foundation, inc. for their Annual Paws To Remember Dog Walk Fundraiser. (COUNTY EXEC)

LEG. CARPENTER:

Motion to table.

LEG. O'LEARY:

Second on the motion to table.

CHAIRMAN SCHNEIDERMAN:

For the record, do you want to say why?

LEG. CARPENTER:

This is the first I'm hearing about it, it's in my Legislative District. I wanted to check on it. And I just looked at the backup. This is not until September 12th, so certainly we have time to look at it.

CHAIRMAN SCHNEIDERMAN:

Okay. There's second on the motion to table. All in favor, aye? Any opposed? Okay 1319 is

TABLED. (VOTE:7-0-0-1) (Not present; Legis. Vilorio-Fisher)

1320-04. Authorizing the use of Blydenburgh County Park by the Care Center for their Annual Walkathon Fundraiser. (COUNTY EXEC)

LEG. CARACCILO:

How much is it?

CHAIRMAN SCHNEIDERMAN:

Let's get a second, then we can discuss it.

LEG. O'LEARY:

Motion to approve.

LEG. CARACCILO:

How much is it?

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator O'Leary. I will second for the purpose of discussion.

LEG. CARPENTER:

\$125.

LEG. CARACCILO:

Is it below the limit?

CHAIRMAN SCHNEIDERMAN:

Legislator Caracciolo has a question.

LEG. CARACCILO:

This brings us back to the presentation by the County Attorney. If we're going to use the standard as she described, then this resolution doesn't comply with that standard.

MS. HARRINGTON:

It's for a hundred people and a hundred dollars.

CHAIRMAN SCHNEIDERMAN:

For the record, the response was it does comply, it's for a hundred people for a hundred dollars. All in favor, aye? Any opposed? Passed and carried. **APPROVED (VOTE:7-0-0-1)**
(Not present; Legis. Vioria-Fisher)

1327-04. Ratifying designation and extending term of Suffolk Poet Laureate (George Wallace). (VILORIA-FISHER)

LEG. ALDEN:

Motion to approve.

LEG. COOPER:

Second.

CHAIRMAN SCHNEIDERMAN:

There's a motion and a second. I'm sure the resolution is poetically worded here. All in favor, aye? Any opposed?

LEG. COOPER:

Cosponsor, please.

LEG. CARPENTER:

Cosponsor.

LEG. ALDEN:

Cosponsor.

CHAIRMAN SCHNEIDERMAN:

Congratulations. **APPROVED. (VOTE:7-0-0-1) (Not present; Legis. Viloría-Fisher)**

If we had more time, I would bring you up to tell us a little bit about what your plans are as poet laureate, but because of the hour, we're just continue going to continue.

1332, we did that one. I'm sorry. Tabled resolution.

TABLED RESOLUTIONS

**1027-04. Establishing a turf policy for athletic fields in Suffolk County Parks.
(BISHOP)**

LEG. CARACCILO:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

This has been amended. I think you all have the amended in front of you.

LEG. CARPENTER:

I think 1327 and 1332 are different. One is to extend the present term, and then 1332 I think looks at doing it biannually.

CHAIRMAN SCHNEIDERMAN:

You are right, I skipped a resolution.

1332-04. Extended term of County Poet Laureate and establish criteria for selection process. (VILORIA-FISHER)

LEG. COOPER:

Motion.

LEG. CARPENTER:

Second.

CHAIRMAN SCHNEIDERMAN:

There's a motion and a second, all in favor, aye? Any opposed? Passed and carried.

Approved (VOTE:7-0-0-1) (Not present; Legis. Viloría-Fisher)

LEG. ALDEN:

Just on the motion.

CHAIRMAN SCHNEIDERMAN:

Rewind for a moment.

LEG. ALDEN:

What's the difference then between 27 and 32? Twenty seven extends the term, 32 establishes criteria.

MS. KNAPP:

There are two different resolutions. 1327 extends the term for Mr. Wallace. Originally there was a one year term for the poet laureate in the original legislation, so that we had to do was not only ratify his designation, but extend his term, then we changed -- amended the resolution that governs the designation of the poet laureate so that from now on, the poet laureate will have a two year term. And it clarifies the procedure in which the poet laureate is designated.

CHAIRMAN SCHNEIDERMAN:

Okay. All in favor? Passed and carried. **APPROVED (VOTE:7-0-0-1) (Not present; Legis. Viloría-Fisher)**

Okay, 1027. There is an amendment here. It's no longer turf management policy, now it's simply an increase on the cap of the matching fund from Greenways recreational program --

recreational field from \$100,000 to \$250,000.

LEG. CARACCILO:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

There is a motion to table.

LEG. ALDEN:

Second.

CHAIRMAN SCHNEIDERMAN:

All in favor of tabling? Any opposed? I'm opposed. So it's **tabled (VOTE:6-1-0-1)**
(Opposed; legis. Schneiderman) (Not present; Legis. Vilorio-Fisher)

1097-04. Confirming the Commissioner of County Department of Parks, Recreation and Conservation. (COUNTY EXEC)

LEG. MONTANO:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

We have to take out of order -- okay. Why don't we table it first. There's a motion to table.

LEG. MONTANO:

Hold on. You want to take a bill out of order?

CHAIRMAN SCHNEIDERMAN:

Let's take -- there's two competing bills that could effect this appointment.

LEG. MONTANO:

Then I will withdraw the motion.

CHAIRMAN SCHNEIDERMAN:

Because right now there is the current Commissioner appointee does not meet the residency

requirements.

LEG. ALDEN:

Mr. Chairman, I suggest that no matter what the outcome of the others in this committee, we could still table this.

CHAIRMAN SCHNEIDERMAN:

That is true.

LEG. ALDEN:

Motion to table.

LEG. CARPENTER:

Second.

CHAIRMAN SCHNEIDERMAN:

All in favor? Okay. That's **tabled (VOTE:7-0-0-1) (Not present; Legis. Vilorio-Fisher)**.

Let's take that out of order. This would be -- Montano's is next. The public hearing we held earlier was -- that was 1336. Okay. Resolution 1203.

1203-04. Adopting Local Law No -- 2004, a Charter Law to eliminate the one year residency requirement for Parks Commissioner appointee. (MONTANO)

LEG. O'LEARY:

Motion to discharge without recommendation.

LEG. COOPER:

Second the motion.

CHAIRMAN SCHNEIDERMAN:

All in favor? Any opposed?

LEG. CARPENTER:

Opposed.

CHAIRMAN SCHNEIDERMAN:

One opposed, Legislator Carpenter. **Discharged without recommendation.**

(VOTE:6-1-0-1) (Opposed; Legislator Carpenter) (Not Present; Legislator Viloría-Fisher).

1207-04. Establishing task force for ATV park use in Suffolk County. (CARACCIOLO)

LEG. CARACCIOLO:

Motion to table. It needs one further amendment.

CHAIRPERSON CARPENTER:

I will second the motion to table. All in favor, aye? Any opposed?

TABLED. (VOTE:7-0-0-1) (Not present; Legis. Viloría-Fisher)

1232-04. Authorizing contract with the Friends for Long Island's Heritage to provide interpretive programs in Suffolk County historic sites. (COUNTY EXEC).

CHAIRMAN SCHNEIDERMAN:

I make a motion, is there a second?

LEG. COOPER:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Motion to table.

LEG. CARACCIOLO:

Second.

CHAIRMAN SCHNEIDERMAN:

All in favor? Any opposed? It's **tabled (VOTE:7-0-0-1) (Not present; Legis. Viloría-Fisher).**

Okay, we have one Sense Resolution, Sense 21.

SENSE RESOLUTION

21-04. Memorializing resolution requesting the New York state Legislature to amend the Retirement and Social Security Law for Suffolk County Park Police Officers. (CARPENTER)

LEG. CARPENTER:

Motion.

CHAIRMAN SCHNEIDERMAN:

Motion.

LEG. O'LEARY:

Second.

CHAIRMAN SCHNEIDERMAN:

All in favor? Any opposed? Passed and carried. **APPROVED (VOTE:7-0-0-1) (Not present; Legis. Vilorio-Fisher).**

Any other business? Okay. Motion to adjourn. Thank you.

(* THE MEETING WAS ADJOURNED AT 1:26 P.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY